

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM BURKE,

Plaintiff,

v.

Civil Action 2:19-cv-2006

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

JAMES ALEX FIELDS, JR., *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of (1) the Plaintiff's Response to the Order to Show Cause (ECF No. 40), and (2) Defendant Traditionalist Worker's Party's Stipulated Extension of Time for Plaintiff to Respond to Traditionalist Worker's Party's Motion to Dismiss. (ECF No. 41.) The parties seek to stipulate to an extension until October 28, 2019, for Plaintiff to respond to Defendant Traditionalist Worker's Party's Motion to Dismiss, and to an extension until November 11, 2019, for Defendant Traditionalist Worker's Party to file a reply. (*Id.*) However, the parties may not stipulate to this extension under the Local Civil Rules, which provide that the use of stipulations "applies only to extensions of time to plead to a complaint, amended complaint, counterclaim, or a comparable pleading under Fed. R. Civ. P. 7(a)." S.D. Ohio Civ. R. 6.1(b). Accordingly, the Court construes the parties' purported stipulation as an unopposed motion for an extension of time. The parties' motion for an extension of time is **GRANTED**. The Plaintiff shall have until **OCTOBER 28, 2019**, to file his memorandum in opposition to Defendant Traditionalist Worker's Party's Motion to Dismiss, and

Defendant Traditionalist Worker's Party shall have until **NOVEMBER 11, 2019**, to file any reply.

Plaintiff is further **DIRECTED** to serve the Amended Complaint on all unrepresented Defendants pursuant to Civil Rules 4(m), 5(a)(1)(b), and 5(a)(2). Pursuant to Civil Rule 15(a)(3), the time for the represented Defendants to move or plead to the Amended Complaint has passed. Plaintiff is **ADVISED** to direct his attention to these service issues.

IT IS SO ORDERED.

Date: October 24, 2019

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE